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**TERMINAL DISCLAIMER TO OBTAIN A PROVISIONAL DOUBLE PATENTING  
REJECTION OVER A PENDING "REFERENCE" APPLICATION**

Docket Number (Optional)  
GPCG-P01-003

In re Application of: Nagy et al.

Application No.: 10/001,934

Filed: November 15, 2001

For: HUMAN POLYPEPTIDES CAUSING OR LEADING TO THE KILLING OF CELLS INCLUDING  
LYMPHOID TUMOR CELLS

The co-owners\*, GPC Biotech AG and MorphoSys AG, of jointly 100  
percent interest in the instant application hereby disclaim, except as provided below, the terminal part of the statutory term of  
any patent granted on the instant application which would extend beyond the expiration date of the full statutory term of any  
patent granted on pending reference Application Number 10/275,046, filed on April 23, 2003,  
as such term is defined in 35 U.S.C. 154 and 173, and as the term of any patent granted on said reference application may  
be shortened by any terminal disclaimer filed prior to the grant of any patent on the pending reference application. The co-  
owners hereby agree that any patent so granted on the instant application shall be enforceable only for and during such period  
that it and any patent granted on the reference application are commonly owned. This agreement runs with any patent  
granted on the instant application and is binding upon the grantees, their successors or assigns.

In making the above disclaimer, the co-owners do not disclaim any term of the patent granted on the instant application if  
a patent is not granted on the reference application.

In making the above disclaimer, the co-owners do not disclaim the terminal part of any patent granted on the instant  
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent  
granted on said reference application, "as the term of any patent granted on said reference application may be shortened by  
any terminal disclaimer filed prior to the grant of any patent on the pending reference application," in the event that: any such  
patent: granted on the pending reference application: expires for failure to pay a maintenance fee, is held unenforceable, is  
found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR  
1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of a business/organization (e.g., corporation, partnership, university, government agency,  
etc.), the undersigned is empowered to act on behalf of the business/organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on  
information and belief are believed to be true; and further that these statements were made with the knowledge that willful false  
statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United  
States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record. Reg. No. 50,306

[Signature] November 16, 2007  
Signature Date

Yu Lu, Ph.D., J.D.  
Typed or printed name

(617) 951-7268  
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

\*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee or owner. Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

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